THE HON'BLE SRI JUSTICE T.CH.SURYA RAO

AND

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

REVIEW W.P.M.P. NOS.30191, 30098, 30100, 30189, 30101, 30190, 30099, 30188 AND 31765 OF 2006
IN
WRIT PETITION NOS.19619, 18610, 20858, 20560, 20651, 19477, 20020 OF 2001; 2596 AND 22119 OF 2002

COMMON ORDER: (Per TCSR,J)

The petitioner seeks review of the common Judgment dated 23.08.2006 passed by this Court in W.P.No.19619 of 2001 and batch; and the Judgment dated 30.08.2006 in W.P.No.22119 of 2002.

The review petitioner is the second respondent in the batch of writ petitions disposed of by this Court under the impugned Judgments. It is a Society registered under the Societies Registration Act. Claiming that it is the owner of the land in an extent of Ac.1.87 cents situate in Kothapet, Vijayawada and the respondents 2 to 18 herein and others encroached upon portions of that piece of land, the Society filed L.G.O.P.No.138 of 1984 seeking possession of the land from the grabbers. At the culmination of enquiry, the Special Tribunal dismissed the said application. Having been aggrieved by the said Judgment of the Special Tribunal, the Society preferred an appeal in L.G.A.No.11 of 1998 before the Special Court. The Special Court by its Judgment dated 10.08.2001 allowed the appeal and set aside the Judgment of the Special Tribunal. *Inter alia* in its Judgment, the Special Court was of the view that the respondents therein were the land grabbers within the meaning of the A.P. Land Grabbing (Prohibition) Act, 1982 (for brevity 'the Act') and they failed to establish the plea of prescriptive title by adverse possession, and the plea of the respondents that the appellant was a bogus society was not correct.

Assailing the Judgment of the Special Court in L.G.A.No.11 of 1998 dated 10.08.2001, the respondents 2 to 18 herein filed Writ Petition No.19619 of 2001 and batch; and Writ Petition No.22119 of 2002. This Court by its common Judgment dated 23.08.2006 allowed the batch of writ petitions and by Judgment dated 30.08.2006 in W.P.No.22119 of 2002 in accordance with the former Judgment on the premise that the Society could not maintain an application before the Special Tribunal or Special Court, as the case may be, having regard to the definitions of “land grabber” and “land grabbing” enjoined under clauses (d) and (e) of Section 2 of the Act. It is those Judgments are now being sought to be reviewed under the instant applications filed by the Society on the premises that (i) since Section 1(3) of the Act mandates that the Act shall apply to all lands situated in urban areas, the interpretation that the act of land grabbing applies to land belonging to four categories of persons enumerated in Section 2(e) of the Act runs counter to the policy of the Act; (ii) that the definition of “person” enjoined under Section 2(g) of the Act being an inclusive definition includes within its ambit “Association” whether registered or not and, therefore, the petitioner Society is an “Association of Persons”; (iii) that the impugned Judgment is self contradictory, having due regard to the fact that the writ petitioners were held to be land grabbers, but their dispossession was held to be not land grabbing; (iv) that the cardinal principles in the process of interpretation of statutes have not been kept in view; (v) that in the year 1987 the Act was amended whereunder Section 2(cc) was introduced and the purpose of introducing the said provision was explained in the statement of objects and reasons on account of which the expression “land belonging to a private person” was sought to be defined under Section 2(cc) so as to bring within its ambit the land belonging to an evacuee, a military personnel and any other private individual within the purview of the definition; and (vi) finally that the interpretation which could sustain the legality of the law and resolve any ambiguity in a manner which would uphold the provision should

be considered.

A common counter was filed by the respondents herein resisting the same on the premises that the review sought to be made was contrary to the requirements of Order 47, Rule 1 of the Code of Civil Procedure and, therefore, the applications were liable to be dismissed.

Sri T.Ananta Babu, learned senior counsel, reiterated the same contentions while submitting his written arguments.

Sri K.Ramakrishna Reddi, learned senior counsel, assisted this Court as Amicus Curiae, who too submitted his written arguments.

Countering the said arguments, Sri Vedula Venkataramana, learned counsel appearing for some of the respondents, mainly seeks to contend that the review petition cannot be considered on the ground that the impugned Judgment is erroneous inasmuch as review is permissible only when there is an error apparent on the face of the record. The learned counsel seeks to place reliance upon a recent pronouncement of the Apex Court in *Haridas Das v. Usha Rani Banik*[1].

Sri Syed Shareef Ahmed, learned counsel appearing for the other respondents, represents that inasmuch as Ex.A.4 quit notice was got issued by the Society through its Advocate to the writ petitioners and, therefore, the writ petitioners could not be considered as land grabbers and this point was not considered by this Court.

Lengthy arguments have been addressed on either side on the review application. Having regard to the same, the point that arises for our determination is as to whether there is any error which is apparent on the face of the record which entails review.

Inter alia in the Judgments now sought to be reviewed, this Court formulated three points for determination as under:

(1) Whether the second respondent society having been registered under the provisions of the Societies Registration Act could maintain an application either under Section 7-A or 8 of the Act?

(2) Whether the issue of title by prescription is within the jurisdiction of the Special Tribunal/ Special Court?

(3) Whether the writ petitioners were not the land grabbers?

On point No.1, this Court reached the conclusion that the Society could not maintain the application since the act of land grabbing was confined under Section 2(d) and (e) of the Act to the land belonging to the Government, a local authority, a religious or charitable institution or endowment, including a wakf, or any other private person. After having excerpted the provisions germane in the context for consideration and considered the same, this Court at page 9 of its Judgment reached the conclusion as under:

> "Therefore, a combined reading of Sections (3), (3) (a); clause (g) of Section 2, sub-section (1) of Section 8, it may appear that the Act applies to all lands situate in urban agglomeration or municipality whether belonging to the Government, a local authority, a religious or charitable institution or individual person or group of persons or an association, while the act of land grabbing which entails civil as well as criminal actions is confined only to the lands belonging to the Government, a local authority, a religious or charitable institution or endowment including a wakf, or any other private person; as can be seen from Section 2 (e) of the Act. *Ex facie* it appears that there is a dichotomy or at any rate ambiguity in the provisions of the Act. Merely because the word 'person' has been used in sub-section (1) of Section 8 of the Act, which expression includes a body of persons or an association, when clause (e) of Section 2 restricts the meaning of grabbing to the lands belonging to the Government, a local authority, a religious or charitable institution or endowment, including a wakf or any other private person, it is not permissible to add words into the said definition so as to include persons other than the four categories enumerated *inter alia* in the said Section. Endeavour to make such an attempt, we are afraid, may amount to a judicial legislation."

Having been of that view, although eventually it was concluded at the end in the penultimate para on the merits of the case that the finding of the Special Court that the respondents failed to prove the

plea of adverse possession is impeccable and quite unassailable and that it had not been shown before this Court that there had been any jurisdictional error committed by the Special Court and having been of the view that the parties were not remediless and they could approach the Civil Court for redressal of their grievances; eventually basing on the conclusion reached that the Society could not maintain the application alone the Writ Petitions were allowed. The basis for reaching the above conclusion that the act of land grabbing applies only to lands belonging to the four categories of persons enumerated in Section 2(e) of the Act is the Schedule appended to the Act which according to Section 17-B of the Act, constitutes the guidelines for interpretation and by perusing the said Schedule, this Court was of the view that it was visibly clear from the excerpted portions of the Schedule that the activity of land grabbing in urban areas is in respect of the land belonging to the Government, a local authority, a religious or charitable institution or endowment, including a wakf, or any other private person who are not in a position to effectively defend their possession. This Court having regard to the intention of the legislature which permeates and pervades clearly in the preamble portion of the Act and the statement of objects and reasons given in the Schedule appended to the Act; the definition of land grabbing enjoined under Sec, 2(e) of the Act, and having been of the clear view that the act of land grabbing alone gives jurisdiction to the Special Court which is confined to the land belonging to the four categories of persons enumerated in the definition clause eventually reached the conclusion that the review petitioner could not maintain the application being a Society.

Section 17-B of the Act was incorporated into the statute under the A.P. Act 16 of 1987. The provision reads as under:

> "17-B. Guidelines for interpretation of the Act:– The Schedule shall constitute the guidelines for the interpretation and implementation of this Act."

It is obvious, therefore, that the Schedule constitutes the guidelines for the interpretation and implementation of the Act. In the Schedule the statement of objects and reasons to the Andhra Pradesh Land Grabbing (Prohibition) Bill, 1982 and the statement of objects and reasons to the Andhra Pradesh Land Grabbing (Prohibition) (Amendment) Bill, 1987 have been given separately. While referring to the statement of objects and reasons to the Amendment Bill, 1987, this Court was of the view that, that part of the Schedule whereunder the appendix and notes on clauses were added to it were not part and parcel of the Schedule and under the mistaken view that it was the author's comment, this Court in fact had not considered the impact of the notes on clauses, particularly clause-3 thereof. Clause-3 seeks to elucidate the expression "land belonging to private persons". For brevity and better understanding of the matter, it is expedient to excerpt the same as under:

> "Clause 3:– Land belonging to private persons.
>
> Under Section 9, the competent authority was entrusted with the work of implementing the decisions of the Special Court. The Special Court is now empowered to record convictions and award sentences and execute its orders. In view of this the definition of 'competent authority' is omitted.
>
> Section 4 of the principle Act, prohibits, among other things, grabbing of the land belonging to private persons. The scope of 'land belonging to private person'. It was felt, should be specified so that the lands belonging to certain clauses of persons, namely, evacuees, military personnel and any other private individual also may be brought within the purview of that definition"

As a consequence thereof, Section 2(cc) came to be incorporated in the Act. Section 2(cc) of the Act reads as under:

"2(cc) 'land belong to a private person' means any land belonging to, —

(i) an evacuee;

(ii) a military personnel, or

(iii) any other private individual.

The value or the extent of which or the nature of

> the evil involved shall be of substantial nature or in the interest of justice required."

The notes on clause 3 clearly emphasizes the need to specify the scope of the expression "land belonging to private person" by seeking to bring within the ambit of the said expression an evacuee, military personnel and any other private individual. A mere glance at the definition of the expression "land belonging to a private person" as enjoined under Section 2(cc) of the Act, it may appear apparently that it is an exhaustive definition of the expression but when the said provision is read along with clause-3 of the Schedule, the intention of the legislature seems to be obvious that it wanted to bring within the expression "land belonging to a private person" three categories of persons also, namely, an evacuee, a military personnel or any other private individual. This aspect has not been considered by this Court, for the reasons discussed hereinabove. In other words, the intention which is manifested in clause-3 of the Schedule as excerpted hereinabove is clear that the legislature wanted to add the persons as mentioned in Section 2(cc) to the expression "any other private person" enjoined in Section 2(e) of the Act.

Having regard to the definition of the expression "land grabbing" enjoined under Section 2(e) of the Act, this Court was of the view that the activity of grabbing was confined to any land belonging to the Government, a local authority, a religious or charitable institution or endowment, including a wakf, or any other private person. *De hors* the definition of the expression "land belonging to a private person" enjoined under Section 2(cc) of the Act, the expression "land belonging to any other private person" as contained in Section 2 (e) of the Act were to be considered, there would not have been any difficulty. That expression "any other private person" in such a situation could have been read in conjunction with the definition of "person" as given in Section 2(g) of the Act which obviously includes an association or body of persons, or a group or body of persons, etc.

When once the definition of the expression “land belonging to a private person” is separately given in Section 2(cc) of the Act, going by that definition which apparently seems to be exhaustive this Court was of the clear view in the Judgment now under review that it was confined to three categories of persons, namely, an evacuee, a military personnel, or any other private individual. That view seems to be apparently erroneous having due regard to the intention of the legislature discernible from clause-3 of the Schedule given in the Act. It is obvious from a perusal of the clause-3 that the intention of the legislature was to add the lands belonging to an evacuee, military personnel, or any other private individual also to the expression “land belonging to a private person”. If we go by the express provisions of Section 2(cc) of the Act, it may appear that the definition is since not inclusive it is, therefore, an exhaustive definition. For the above reasons, the expression “any other private person” as given in the bracketed portion of Section 2(e) read with Section 2(cc) of the Act it shall have to be construed that, that expression is not limited to three categories of persons as mentioned in Section 2(cc) while seeking to define the expression “land belonging to a private person” but on the other hand it shall have to be construed that, that expression includes those three categories of persons mentioned in Section 2(cc) also. If such construction were to be given, there seems to be no difficulty in understanding the expression “any other private person” as given in the bracketed portion of Section 2(e) and it would be open to the Court to consider in such a situation the definition of “person” as given in Section 2(g) and read the same in conjunction with clauses (cc) and (e) of Section 2 of the Act. On such combined reading of the provisions, doubtless that the expression “land belonging to any other private person” includes a person, a group of persons, or an association, or a religious or charitable institution or endowment. There can, therefore, be no difficulty to consider that a society registered under the provisions of A.P. Societies Registration Act can

also squarely be brought within the definition of the expressions “person” and “land belonging to any other private person”. This error obviously is on account of not noticing clause-3 of the Schedule appended to the Act.

It is contended before us that the expression “individuals” should receive widest interpretation and includes in its sweep groups of individuals like Hindu Undivided Families and under the provisions of the General Clauses Act, 1897 the words in the singular shall include the plural, and vice versa. To buttress the said contention, reliance is sought to be placed upon the Constitution Bench Judgment of the Apex Court in B*anarasi Dass v. Wealth Tax Officer*[2]. The expression “individuals” as mentioned in Entry 86 in List-I of Schedule-VII of the Constitution came up for interpretation before the Constitution Bench of the Apex Court. Whether it was confined to individual or not, was the subject matter of the Civil Appeals filed before the Apex Court. In that context, the Apex Court was of the view that a singular shall have to be construed as plural inasmuch as the Parliament was competent to levy a charge of wealth tax in respect of Hindu Undivided Families. The expression “individuals” as mentioned in Entry 86 of List-I of Schedule-VII of the Constitution should be construed by giving widest interpretation as including in its sweep the Hindu Undivided Families. It may be mentioned here that this contention appears to be not germane in the context having regard to the discussion made hereinabove with reference to clause-3 of the Schedule appended to the Act. In the absence of clause-3, perhaps, there seems to be every force in the contention of the learned counsel, particularly when in the definition given under Section 2(cc) the third category is any other private “individual” but not “individuals”

The thrust of the contention of the learned senior counsel appearing for the review petitioner seems to be that the jurisdiction of the civil Court is clearly ousted under the Act, having conferred the same on the Special Tribunal or the Special Court, as the case may be

and this Court having upheld the conclusion of the Special Court that the respondents are the land grabbers, made the petitioner remediless. We are afraid that we cannot countenance the said contention for more than one reason. It is no doubt true; in respect of an activity of land grabbing the jurisdiction of the civil Court is ousted. When an activity of land grabbing is complained of the aggrieved party shall approach the Special Tribunal or the Special Court, as the case may be, but not the civil Court. If activity of land grabbing is not complained of, equally the Special Tribunal or the Special Court cannot get jurisdiction and the matter which involves the questions of title and ownership to or lawful possession of any land will squarely fall within the domain of the civil Court. The Special Court and the civil Court are equally competent to adjudicate the questions of title, ownership to and possession in respect of any land in dispute, but the interface in between the jurisdiction of the civil Court, and the jurisdiction of the Special Court seems to be clearly the act of land grabbing, which attracts jurisdiction of the Special Court and in the absence whereof, obviously the civil Court continues to have the jurisdiction. Therefore, the act of land grabbing is the crucial aspect which determines the jurisdictional issue in between the civil Court and the special Tribunal or the Special Court, as the case may be, under the Act. This jurisdictional aspect is certainly not in respect of a territorial jurisdiction or pecuniary jurisdiction. This being a jurisdictional aspect over the subject matter of the dispute, in other words inherent jurisdiction of the Court, the provisions of Section 21 of the Code of Civil Procedure have no application. Therefore, the contention that such an issue having not been raised at the earliest stage cannot be permitted to be raised before this Court cannot be countenanced.

Although one was considered to be a grabber of the land in generic sense or as a matter of that as defined under Section 2 (d) of the Act, in the absence of any activity of land grabbing as defined under Section 2 (e) of the Act, the Special Court cannot have

jurisdiction to adjudicate such disputes. It is no doubt true that clauses (d) and (e) of Section 2 of the Act shall have to be read together, and in the absence of any activity of land grabbing, there can be no land grabber. But the activity of land grabbing having regard to the view taken by this Court is confined to the lands belonging to four categories of persons enumerated in Section 2 (e) of the Act, a grabber can be a grabber in respect of any land but activity of land grabbing was considered to be confined to the four categories of lands having due regard to Section 2 (e) of the Act. In that view of the matter, although the respondents were considered to be grabbers of the land, but inasmuch as this Court was of the view that activity of land grabbing was confined only to the lands belonging to four categories of persons, eventually held that the Special Tribunal could not have entertained an application filed by a society. Therefore, we see no dichotomy, in that view of the matter, as contended by the learned senior counsel inasmuch as the parties can approach the civil court and they are not remediless.

The other contention which is sought to be raised for the first time before this Court is that the applicant-society is a charitable institution having regard to its objects of serving the society by constructing marriage pendals**,** by providing medical aid to the poor etc. Such a contention at this stage cannot be accepted. Further more, it requires adduction of evidence to establish the objects of the society and the conclusion to be reached with reference to the evidence that the applicant-society falls squarely within the purview of a charitable institution. This Court is not sitting in appeal over the judgment of the Special Court while exercising its jurisdiction under Article 226 of the constitution. The application sought to be filed by means of additional grounds annexing therewith a copy of the objects of the applicant-society shall have to be jettisoned for the above reasons at the threshold. The W.P.M.P.Nos.32905, 32951, 32906, 32943, 32904, 32944, 32945, 32946 and 32950 of 2006 filed

requesting this Court to receive additional grounds are liable to be dismissed.

On the interpretation of various provisions of the Act contentions of the applicant seems to be that (1) the interpretation which serves the purpose and objects of the Act should be preferred; (2) that no interpretation should be accepted which would render some provisions otiose and futile; (3) that if one interpretation renders the provision unconstitutional and another interpretation renders it constitutional, the latter interpretation should be accepted; (4) that when two provisions of a statute are repugnant to each other, that provision which is more important and serves the purpose of the Act should be preferred; (5) that provisions conferring jurisdiction should be liberally construed; (6) that provision should be construed in a manner which sub-serves the purpose of the enactment and does not defeat it; (7) that where the construction or a meaning of a particular provision is doubtful, regard should be had for the objects and reasons of the legislation; (8) that all provisions of the statute should be read together and no provision should be read in isolation; (9) that while interpreting an expression in a statute the entire statute must be looked into to give an objective interpretation which may further the purpose of the statute or the established canons of the interpretation of the statutes.

To buttress the said contentions, the learned senior counsel seeks to place reliance upon the Judgments of the Apex Court in *K.Veeraswami v. Union of India*[3]; *Sunil Batra v. Delhi Admn.*[4]; *Shadi Singh v. Rakha*[5]; *Shri Balaganesan Metals v. M.N.Shanmugham Chetty*[6]; *Delhi Transport Corpn. v. D.T.C. Mazdoor Congress*[7]; *M.L.Kamra v. New India Assurance Co. Ltd.*[8]; *Surjit Singh Kalra v. Union of India*[9]; *Kerala State Housing Board v. Ramapriya Hotels (P) Ltd.*[10]; *Food Corpn. of India v. New India*

Assurance Co. Ltd.[11]*; Pratap Singh v. State of Jharkhand*[12]*; C.B.I., Special Investigation Cell-I, New Delhi v. Anupam J.Kulkarni*[13]*; Byram Pestonji Gariwala v. Union Bank of India*[14]*; BSES Ltd. v. Tata Power Co. Ltd.*[15]*; Vatticherukuru Village Panchayat v. Nori Venkatarama Deekshithulu*[16]*; State of H.P. v. Kailash Chand Mahajan*[17]*; Directorate of Enforcement v. Deepak Mahajan*[18]*; Rattan Chand Hira Chand v. Askar Nawaz Jung*[19]*; Supdt. and Remembrancer of Legal Affairs v. Abani Maity*[20]*; Krishan Kumar v. State of Rajasthan*[21]*; S.Gopal Reddy v State of Andhra Pradesh*[22]*; Balram Kumawat v. Union of India*[23]*; Bhavnagar University v. Palitana Sugar Mill (P) Ltd.*[24] and *State of Maharashtra v. Digambar*[25].

As discussed hereinabove, having been of the view that the activity of land grabbing is confined to the lands belonging to the four categories of persons enumerated *inter alia* in clause (e) of Section 2 of the Act, although Section 8 enables the Special Court to take cognizance either *suo motu* or on an application filed by a person which expression as defined in Section 2(g) includes a group of persons or associations and Section 1(3) which mandates that the Act applies to all categories of lands, reached the conclusion that it could not be interpreted that the Act of Land Grabbing was in respect of not only the lands belonging to those four categories referred to in Section 2(e), but also to the lands belonging to group of persons or associations, societies, companies, etc. The whole endeavour of the learned senior counsel seems to be that, that approach of this Court is erroneous and indeed the approach should have been, while interpreting the provisions of the statute, in the manner in which it has been clearly laid down by many a Judgment of the Apex Court cited

before us. After having heard at length the learned senior counsel and going through the Judgments of the Apex Court, it appears that it is clearly a case of taking an erroneous view earlier than the view which should have been taken while interpreting the various provisions of the Act with reference to the intention of the legislature behind the Act. But, in this review petition, we are afraid that we cannot re-consider our decision on such merits, inasmuch as if these contentions were to be accepted they obviously render the conclusions reached by this Court earlier in the writ petition as erroneous on merits. Such a process cannot be undertaken in the instant review application filed on the premise that there is error apparent on the face of the record and shall be left in our considered view to be agitated in the hierarchy of Courts if felt aggrieved. Such an attempt may tantamount to hearing an appeal in the disguise of a review petition. It is no doubt true that this Court while exercising its extraordinary jurisdiction under Article 226 of the constitution and this Court being a Court of record has the plenary power to recall its own order to further the ends of justice. Such a plenary power vested in this Court is obviously above the review power enjoined under Section 114 read with Order 47 of the Code of Civil Procedure. A constitution bench of the Apex Court in *Shivdeo Singh v. State of Punjab and others* [26] held thus:

> "There is nothing in Art.226 of the Constitution to preclude a High Court from exercising the power of review which inheres in every court of plenary jurisdiction to prevent miscarriage of justice or to correct grave and palpable errors committed by it. In entertaining B's petition the High Court thereby did what the principles of natural justice required it to do."

In *Giridhari Lal Gupta v. D.N.Mehta* [27] in para 16 the Apex Court held thus:

> "The learned counsel for the respondent State urges that this is not a case fit for review because it is only a case of mistaken judgment. But we are unable to agree with this submission because at the time of the arguments our attention was not drawn specifically to sub-section 23-C(2) and the light it throws

on the interpretation of sub-section (1)."

Every adverse order which is a result of perceptional errors or mistakes, no doubt, would result in loss to the party but every such order cannot be brought within the sweep and ambit of the expression "prevention of miscarriage of justice". Under the guise of preventing miscarriage of justice, if every order of this Court were to be reviewed the remedy of appeal would be rendered otiose. Therefore, it is only those orders which result in miscarriage of justice alone merit recalling. If there are any grave and palpable errors in the order they too can be recalled.

The contention of Sri Vedula Venkataramana, learned counsel appearing for the respondents is that the review petition shall have to be repelled for the simple reason that such a contention makes the judgment of this Court which is now sought to be reviewed as erroneous on merits and it is not certainly a case of an error which is apparent on the face of the record and such contention, therefore shall not be countenanced in a review petition of this sort. The decision sought to be relied upon by the learned counsel in *Haridas Das v. Usha Rani Banik* (referred to supra) having been rendered considering the provisions of Order XLVII Rule 1 of the Code of Civil Procedure cannot help in buttressing the said contention. It may be made clear that this Court is not called upon to exercise its review power in accordance with Order XLVII of the Code of Civil Procedure.

All this exercise is quite not germane having regard to the fact that this Court has overlooked, while very much relying upon the Schedule appended to the Act for the purpose of construing the expressions "act of land grabbing", the definition of "land grabber" and other provisions of the Act; clause-3 appended to the Schedule, which led eventually to reach the conclusion that activity of land grabbing is confined to the lands belonging to four categories of persons, oblivious of the fact that the lands belonging to a private person as defined under Section 2 (cc) of the Act is not an exhaustive definition and the

clause came to be incorporated under the Act so as to include within the definition of the expression “land belonging to private person”, the other three categories of persons in addition to the persons enumerated in clause (cc) of Section 2 of the Act. That is the crucial aspect which tilted this case, as discussed hereinabove. Going by the conclusions reached by this Court earlier *inter alia* in the Judgments and having regard to the mistake in omitting to consider clause (3) of the Schedule, which is apparent on the face of the record, we are of the clear view that the Judgments of this Court require reconsideration for that reason. A combined reading of Section 1(3), Section 2 (cc), (d) (e) and (g) along with Section 7-A and 8 of the Act would now make it clear that the expression “land belonging to a private person” is not confined to an individual or the three categories of persons enumerated in Section 2(cc) of the Act alone and it includes in its width and ambit all other persons, group of persons, associations, etc. Therefore, the applicant-society also comes within the definition of “any other individual”, for the above reasons.

The other contention of the learned counsel appearing for some of the respondents is that the applicant-society having issued a notice to the respondents to quit the land cannot maintain the application has been considered by this Court earlier. Having regard to the clear conclusions reached by the learned Special Court that the respondents are the land grabbers, this Court was of the view that it was not germane for consideration, of course, more particularly, in view of the jurisdictional aspect which was considered by this Court. On the merits, this Court was of the clear view that the judgment of the Special Court warrants no interference, inasmuch as no illegality or error of jurisdiction could be shown before this Court. Therefore, we are of the considered view that it is not a case where the contention of the respondents has not been adverted to.

Before parting with, we express our deep sense of gratitude for the valid and able assistance rendered by the senior counsel Sri

K.Ramakrishna Reddi.

For the reasons hereinabove mentioned, the Review Applications are allowed. Consequently, the writ petitions stand dismissed. However, there shall be no order as to costs.

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(T.CH.SURYA RAO,J)

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(G.CHANDRAIAH,J)

Dated _____ February, 2007.

Note: L.R. copy to be marked.
B/O
VGSR/SKMR

THE HON'BLE SRI JUSTICE T.CH.SURYA RAO

AND

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

REVIEW W.P.M.P. NOS.30191, 30098, 30100, 30189, 30101, 30190, 30099, 30188 AND 31765 OF 2006
IN
WRIT PETITION NOS.19619, 18610, 20858, 20560, 20651, 19477, 20020 OF 2001; 2596 AND 22119 OF 2002
(Per TCSR,J)

DATED 07---02---2007

Telega Mahajana Sangham, Vijayawada,
Represented by its Secretary,
Residing at Boddapati Vari Street,
Gandhinagaram, Vijayawada. … Review Petitioners/2nd Respondent

Vs.

1. The Registrar, The Special Court
   constituted under A.P. Land Grabbing (Prohibition)
   Act, 1982, BRK Bhavan,
   Hyderabad. And Others …
   Respondents/RespondentNo.1/
   Petitioners 1 to 17.

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%WEDNESDAY, THE SEVENTH DAY OF FEBRUARY, TWO THOUSAND AND SEVEN

#Telega Mahajana Sangham, Vijayawada,
Represented by its Secretary,
Residing at Boddapati Vari Street,
Gandhinagaram, Vijayawada. … Review Petitioners/2nd Respondent

Vs.

$1. The Registrar, The Special Court
constituted under A.P. Land Grabbing (Prohibition)
Act, 1982, BRK Bhavan,
Hyderabad. And Others …
Respondents/RespondentNo.1/
Petitioners 1 to 17.

!Counsel for the Review Petitioners : Sri N.Jaya Surya
Sri T.Ananta Babu,
SeniorAdvocate

^Counsel for the Respondents : G.P. for Revenue for R-1.

Smt.P.Revathi,
Mr.Vedula Venkataramana,
Mr.Syed Shareef Ahmed,

Sri K.Ramakrishna Reddi,
Senior Advocate as Amicus Curiae

<Gist:

>Head Note:

?CITATIONS:
1) (2006) 4 SCC 78
2) AIR 1965 SC 1387
3) (1991) 3 SCC 655
4) (1978) 4 SCC 494

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5) (1992) 3 SCC 55
6) AIR 1987 SC 1668
7) 1991 Suppl.(1) SCC 600
8) (1992) 2 SCC 36
9) (1991) 2 SCC 87
10) (1994) 5 SCC 672
11) (1994) 3 SCC 324
12) (2005) 3 SCC 551
13) AIR 1992 SC 1768
14) (1992) 1 SCC 31
15) (2004) 1 SCC 195
16) 1991 Supp. (2) SCC 228
17) 1992 Suppl.(2) SCC 351
18) (1994) 3 SCC 440
19) (1991) 3 SCC 67
20) (1979) 4 SCC 85
21) (1991) 4 SCC 258
22) AIR 1996 SC 2184
23) (2003) 7 SCC 628
24) (2003) 2 SCC 111
25) (1995) 4 SCC 683
26) AIR 1963 SC 1909
27) AIR 1971 SC 2162

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[23] (2003) 7 SCC 628

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[27] AIR 1971 SC 2162